



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/694,425 | 10/23/2000 | Troy Alan Ussery | OFFW01-00008 | 1041 |

7590 01/13/2004

William A. Munck, Esq
NOVAKOV DAVIS & MUNCK, P.C.
900 Three Galleria Tower
13155 Noel Road
Dallas, TX 75240

| |
|----------|
| EXAMINER |
|----------|

MELWANI, DINESH

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3677

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/694,425

Applicant(s)

USSERY ET AL.

Examiner

Dinesh N Melwani

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of Applicant's submission of:

Amendment A filed on 10/24/03

Extension Of Time (1 Mo.) filed on 10/24/03

The aforementioned items have been noted and officially inserted into the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (U.S. Patent No. 6,393,410). Thompson discloses an electronic commerce system for use over a global communications network (i.e., the internet) having company nodes (i.e., the owner of a project such as an architect or contractor) and constituency nodes (i.e., a purchaser such as a contractor or engineer) associated therewith; wherein said system comprises a data repository (col. 2, lines 40-45) that is operable to store data files associated with said company nodes, wherein said company nodes populate respective associated data files with commercial information (i.e., information about the construction projects); a communications controller (20) that is operable (i) to propagate communications interfaces accessible by said constituency nodes with selected portions of said commercial information (i.e., the construction project) under

Art Unit: 3677

direction of said company nodes (col. 3, lines 29-36), and (ii) gather feedback information (i.e., the response of the sub-contractors) representative of constituency response to said constituency nodes accessing said communication interfaces (col. 4, lines 20-49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the system disclosed by Thompson to disseminate any type of information in any industry. As it concerns claims 2, 3, 12, and 13, Thompson's system is further operable to process said gathered feedback information (i.e., submitted bids) and, in response thereto, modify one of said data files (col. 4, lines 31-49); and to report results of the bidding process to the company node. Regarding claims 4 and 14, Thompson's controller employs mathematical representation (i.e., the fundamentals such as binary code upon which computing occurs) to represent at least one of constituency understanding and reaction (i.e., submitted bids). Thompson also discloses the use of a digitizer; see col. 3, lines 26. As it concerns claims 5 and 15, Thompson's system further comprises a security controller that is operable, with respect to those data files associated with said company node, to limit access to said those data files to designated personnel of said company nodes; i.e., the information is not made public until a supervisor accepts the information, see col. 3, lines 29-36. Additionally, Thompson also teaches the use of a user authentication system where the user must enter a login ID and password. As it concerns claims 8, 9, 18, and 19, Thompson's controller is also operable to store, index, and relate associated portions of said commercial information in the data repository, see the Abstract; wherein said commercial information is organized in a manner to be made available to the public or constituency nodes.

3. Claims 6, 7, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (U.S. Patent No. 6,393,410) in view of Holzrichter *et al.* (U.S. Patent No. 5,729,694).

Art Unit: 3677

Thompson discloses an electronic commerce system substantially as claimed; wherein said system includes a security controller. Thompson's fails to disclose the use of interactive voice recognition to identify designated personnel. Holzrichter teaches the use of speaker identification, language-of-speech identification, and speech translation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Holzrichter, in regards to speaker identification, language-of-speech identification, and speech translation, provide Thompson's systems with the capability of being accessed by those denied use of their hands and thereby precluded from using a conventional computer terminal.

Response to Arguments

4. Applicant's arguments filed 10/24/03 have been fully considered but they are not persuasive.

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection under 35 U.S.C. 103(a) over Thompson (U.S. Patent No. 6,393,410). Thompson discloses a system for use over the Internet, wherein said system allows various company nodes (i.e., contractors, architects) to disseminate selected information to constituency nodes (i.e., sub-contractors) under direction of the company nodes and gather feedback (i.e., information in response to the selected information disseminated such as a bid). The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Thompson's invention to disseminate any type of information for any industry.

Art Unit: 3677

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600